

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
---------------	---	---------------

HANDBOOK BEGINS HERE

.1 Background

On December 21, 1990, the Yslas v. Anderson Lawsuit was filed with the Sacramento County Superior Court. This lawsuit challenged the California Department of Social Services ' (CDSS) policy of allowing county welfare departments (CWDs) to deny, reduce or stop payments for Greater Avenues for Independence (GAIN) Program supportive services because participants received an educational loan or grant. On March 30, 1994, the Sacramento County Superior Court signed the Settlement and Consent Decree. Under the terms of the Yslas v. Anderson Settlement and Consent Decree, plaintiffs and CDSS agreed that the following is the correct policy for CWDs to follow concerning the treatment of financial aid: CWDs shall obtain the prior, voluntary agreement of the GAIN participant before using student financial aid to deny, reduce or stop GAIN supportive services payments. In addition, the Yslas v. Anderson Settlement and Consent Decree specifies that GAIN participants whose supportive services payments were denied, reduced or stopped, due to the receipt of financial aid from October 19, 1987 through August 31, 1993, are entitled to retroactive benefits.

HANDBOOK ENDS HERE

.2 Definitions

For the purpose of these regulations:

- a. (Reserved)
- b. (Reserved)
- c.
 - (1) "Category 1 eligible claimant" means any current or former GAIN participant whose supportive services payments were reduced or denied during the retroactive period because of an educational loan.
 - (2) "Category 2 eligible claimant" means any current or former GAIN participant who signed a promissory note to repay the county for supportive services payments received during the retroactive period pending receipt of an educational grant or educational loan.
 - (3) "Category 3 eligible claimant" means any current or former GAIN participant whose supportive services payments were reduced or denied during the retroactive period because of an educational grant he or she received to attend an educational or vocational training program, unless he or she agrees the funds were actually available for those supportive services.

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
---------------	---	---------------

(Continued)

- (4) "Claim period" means the period from January 15, 1995 through April 14, 1995 during which a potentially eligible claimant may file a claim under the Yslas v. Anderson Settlement.
- (5) "Corrective underpayment" means the retroactive payment of supportive services inappropriately withheld from an eligible claimant because of receipt or pending receipt of an educational loan or grant.
- (6) "CWD" means County Welfare Department.
- d. (Reserved)
- e. (Reserved)
- f.
 - (1) "Five standard languages" means Spanish, Vietnamese, Laotian, Chinese and Cambodian.
 - (2) "Four standard Asian languages" means Vietnamese, Laotian, Chinese and Cambodian.
- g.
 - (1) "GEN 1172 (5/93) Court Case: Yslas v. Anderson- Report A" means the form used by CWDs to report statistical data regarding the claims filed and paid under this lawsuit.
 - (2) "GEN 1172 (5/93) Court Case: Yslas v. Anderson- Report B" means the form used by CWDs to report data regarding their use of the TEMP GAIN 56A (8/93), (Student Financial Aid Statement, GAIN Supportive Services) form, as required by the Yslas v. Anderson Settlement and Consent Decree.
- h. (Reserved)
- i. (Reserved)
- j. (Reserved)
- k. (Reserved)
- l. (Reserved)
- m. (Reserved)

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
	(Continued)	

- n. (1) "NOA" means a notice of action that is considered to be adequate within the meaning of Section 22-021.
- o. (Reserved)
- p. (Reserved)
- q. (Reserved)
- r. (1) "Responsible CWD" means the county welfare department GAIN office that took an action on which an eligible claimant's claim is based.
- (2) "Retroactive period" means the period from October 19, 1987 through August 31, 1993.
- s. (Reserved)
- t. (1) "TEMP GAIN 84 (11/94), Informing Notice" means the document mailed by the CWD to inform potential claimants of possible corrective underpayments resulting from the Yslas v. Anderson Settlement and Consent Decree.
- (2) "TEMP GAIN 85 (1/95), Claim Form" means the document used by claimants to file a claim based on the Yslas v. Anderson Settlement and Consent Decree.
- (3) "TEMP GAIN 88 (11/94), Informing Poster" means the document that is posted to notify potential claimants of possible corrective underpayments resulting from the Yslas v. Anderson Settlement and Consent Decree.
- u. (Reserved)
- v. (Reserved)
- w. (Reserved)
- x. (Reserved)
- y. (Reserved)
- z. (Reserved)

.3 Informing Eligible Claimants

HANDBOOK BEGINS HERE

- .31 CDSS responsibilities. CDSS shall:
- .311 Print the TEMP GAIN 88 (Informing Poster) in English with bullets in the five standard languages.
 - .312 Provide CWDs with:
 - (a) A reproducible copy of the TEMP GAIN 84 (Informing Notice) in English with bullets in the five standard languages.
 - (b) Reproducible copies of the TEMP GAIN 85 (Claim Form) in English and the five standard languages.
 - (c) Copies of NOA messages in English and reproducible copies of NOA forms in English and the five standard languages.
 - (d) Reproducible copies of the TEMP GAIN 88 (Informing Poster) with bullets in the five standard languages.
 - .313 Mail copies of the TEMP GAIN 88 (Informing Poster) to legal aid and welfare rights organizations of plaintiffs' choice at least 10 days before the beginning of the claim period.
 - (a) Plaintiffs' counsel shall provide CDSS with the mailing labels not to exceed 400.
 - .314 Provide a public service announcement, to be broadcast at no charge to CDSS, informing the public of the opportunity to claim corrective underpayments.

HANDBOOK ENDS HERE

- .32 Included CWDs
- .321 All CWDs shall fully implement the provisions of Section 50-024.
 - (a) No CWDs are excluded from implementation of the Settlement and Consent Decree.

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
---------------	---	---------------

(Continued)

- .33 CWD responsibilities. CWDs shall:
- .331 Reproduce an adequate supply of the TEMP GAIN 84 (Informing Notice) in English with bullets in the five standard languages.
- (a) On the TEMP GAIN 84 (Informing Notice), CWDs shall specify the county office address and phone number that potential claimants are to contact or call to obtain a TEMP GAIN 85 (Claim Form).
- .332 Notify potentially eligible claimants by January 5, 1995 using one of the following methods:
- (a) CWDs shall mail a TEMP GAIN 84 (Informing Notice) to all current AFDC recipients, by means of a CA 7 stuffer or similar mailing, or
- (b) CWDs shall mail a TEMP GAIN 84 (Informing Notice) to all individuals who were GAIN participants from October 19, 1987 through August 31, 1993.
- (1) CWDs shall maintain a record of all former GAIN participants to whom notices were mailed.
- .333 Place TEMP GAIN 88 (Informing Poster) inconspicuous locations in all CWD offices, GAIN offices and Food Stamp issuance offices on the first day of the claim period.
- (a) The TEMP GAIN 88 (Informing Poster) shall be displayed from January 15, 1995 until the close of business April 14, 1995.
- (b) On the TEMP GAIN 88 (Informing Poster), CWDs shall specify the county office address and phone number that potential claimants are to contact to obtain a TEMP GAIN 85 (Claim Form).
- .334 Provide TEMP GAIN 88 (Informing Poster) to all public and private colleges, which are known to CWDs to have enrolled current or former GAIN participants, by January 5, 1995.
- (a) On the TEMP GAIN 88 (Informing Poster), CWDs shall specify the county office address and phone number that potential claimants are to contact to obtain a TEMP GAIN 85 (Claim Form).

HANDBOOK BEGINS HERE

- (b) CDSS and/or CWDs cannot require public or private educational institutions to display the TEMP GAIN 88 (Informing Poster).

HANDBOOK ENDS HERE

- .335 Reproduce an adequate supply of the TEMP GAIN 85 (Claim Form) in English and the five standard languages.
- .336 Mail a TEMP GAIN 85 (Claim Form) within five working days following a request by anyone who calls the phone number specified on the TEMP GAIN 84 (Informing Notice) and TEMP GAIN 88 (Informing Poster).
- .337 Give a TEMP GAIN 85 (Claim Form), immediately upon request during normal business hours, to anyone who goes to the office specified on the TEMP GAIN 84 (Informing Notice) and the TEMP GAIN 88 (Informing Poster) and requests a claim form.
- (a) CWDs shall maintain an adequate supply of the TEMP GAIN 85 (Claim Form) on hand for distribution to potential claimants.
- .338 Specify on the TEMP GAIN 85 (Claim Form) the address where claimants are to return the completed claim form.
- .4 Application for Corrective Underpayment
- .41 Potential Category 1 and Category 3 eligible claimants shall:
- .411 Complete and sign, under the penalty of perjury, a TEMP GAIN 85 (Claim Form).
- .412 Submit the TEMP GAIN 85 (Claim Form) on or before the end of the claim period to the responsible CWD.
- (a) If mailed, postmark must be no later than April 14, 1995.
- (b) During the claim period, claimants shall be permitted to resubmit a claim that was previously denied due to being incomplete.
- .413 Submit a completed TEMP GAIN 85 (Claim Form) to each responsible CWD if there was more than one responsible CWD.

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
---------------	---	---------------

(Continued)

.414 Provide necessary additional information, documentation or clarification upon request from a CWD.

.42 CWD responsibilities. CWDs shall:

.421 Stamp the TEMP GAIN 85 (Claim Form) with the date it was received by the CWD.

(a) If the date of receipt cannot be determined by a date stamp, the date of receipt shall be the date the claimant signed the TEMP GAIN 85 (Claim Form).

.422 Notwithstanding the date specified in .421 above, process all claim forms postmarked on or before April 14, 1995.

.423 If the TEMP GAIN 85 (Claim Form) is postmarked after April 14, 1995, issue NOA M50-024D (Deny Claim) within 30 days following the date of receipt of the claim.

(a) The CWD shall retain envelopes postmarked after April 14, 1995 to verify the date the claim was submitted.

.424 Retain all records which contain documents relevant to the Yslas v. Anderson Lawsuit for three years from the date CDSS submits the last expenditure report for federal reimbursement.

(a) Documents included are those used to determine eligibility for the class (including denials) and those used to determine the amount of corrective underpayments, including case records, payment records, assistance claims, reimbursement claims, claim verification and any other documents related to the Yslas v. Anderson Lawsuit.

.425 Determine the responsible CWD.

(a) If the CWD receiving the TEMP GAIN 85 (Claim Form) determines that it is the responsible CWD, the CWD shall process the TEMP GAIN 85 (Claim Form) in accordance with Section 50024.5.

(1) "Responsible CWD" is defined in Section 50-024.2r.(1).

(b) If the CWD receiving the TEMP GAIN 85 (Claim Form) determines that it is not the responsible CWD, the receiving CWD shall issue NOA M50-024D (Deny Claim) and forward the TEMP GAIN 85 (Claim Form) to the responsible CWD within 30 days from receipt of the claim.

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
---------------	---	---------------

(Continued)

- (1) The receiving CWD shall inform the claimant on NOA M50-024D (Deny Claim) that the TEMP GAIN 85 (Claim Form) has been forwarded to the responsible CWD for processing.
- (2) The responsible CWD shall process the claim in accordance with Section 50-024.5.
 - (A) Notwithstanding Section 50-024.423, responsible CWDs shall process all claims that are forwarded from a receiving CWD, even if the claims are received from the receiving CWD after the end of the claim period.
- (3) If the responsible CWD cannot be determined, the receiving CWD shall issue NOA M50-024D (Deny Claim) within 30 days following receipt of the claim.
 - (A) The CWD shall indicate on the NOA that the claimant must file the claim with the responsible CWD.

.5 Processing Claim Forms

.51 For Category 1 and 3 eligible claimants, the responsible CWD shall review each TEMP GAIN 85 (Claim Form) for completeness. The TEMP GAIN 85 (Claim Form) shall be considered complete when the following information is provided by the claimant:

- .511 Answers to the qualifying eligible claimant questions on the TEMP GAIN 85 (Claim Form).
- .512 Claimant's case name(s) used during retroactive period.
- .513 Claimant's date of birth.
- .514 Claimant's social security number.
- .515 County or counties of residence during retroactive period.
- .516 Claimant's current mailing address.

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
---------------	---	---------------

(Continued)

- .517 Claimant's signature.
- .518 The following information shall be provided by the claimant on the TEMP GAIN 85 (Claim Form) to the extent possible:
- (a) The AFDC or GAIN case number.
 - (b) Phone number.
 - (c) Date(s) for which the claim is being filed.
 - (d) The name of the school or educational program.
- .52 If the claim is complete, as specified in Section 50024.51, and the claimant meets the definition of a Category 1 or 3 eligible claimant, as specified in Section 50024.2(c), the CWD shall complete processing the claim within 60 days after receipt of the claim.
- .521 If the information on the claim form and in the case file is sufficient, the CWD shall calculate the corrective underpayment, in accordance with Section 50024.7 and issue a check with NOA M50-024A (Approve Claim) within the 60-day time frame specified above.
- (a) CWDs shall indicate on the NOA when the check will be issued if unable to issue the check for the corrective underpayment with the NOA.
- .522 The corrective underpayment shall be equal to the amount of supportive services payments that were reduced or denied because the claimant received an educational grant or loan, plus interest, as determined in accordance with Section 50-024.74.
- .523 In the absence of evidence to the contrary, CWDs shall accept self-certification from the claimant, signed under the penalty of perjury, to satisfy documentary requirements in the event such documentation is not available.
- .524 The CWD shall verify documentation whenever authenticity is in doubt.
- .53 If the claimant is NOT an eligible claimant, the CWD shall issue NOA M50-024D (Deny Claim) within 60 days after the claim was received.

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
---------------	---	---------------

(Continued)

- .531 The CWD shall preprint the GAIN 50 (6/92), (Your GAIN Hearing Rights), to the back of the NOA or attach a copy of the GAIN 50 to the NOA.
- .54 If additional information is needed the CWD shall issue NOA M50-024B (Request Claim Information) within 30 days after receipt of the claim.
 - .541 The CWD shall indicate on the NOA that claimants have 30 days from the date of the NOA to respond to the request for additional information.
 - .542 The CWD shall complete processing a claim within 60 days after receiving the additional information.
 - .543 If the claimant meets the definition of a Category 1 or 3 eligible claimant, the CWD shall calculate the corrective underpayment, in accordance with Section 50024.7, and issue a check with NOA M50-024A (Approve Claim) within the 60-day time frame specified in .542 above.
 - .544 The CWD shall issue NOA M50-024D (Deny Claim) if the additional information does not establish the claimant as a Category 1 or 3 eligible claimant.
 - .545 The CWD shall issue NOA M50-024D (Deny Claim) if the claimant does not respond within the time specified in .541 above.
- .6 Case Review - Category 2 Eligible Claimants
 - .61 CWDs shall identify all Category 2 eligible claimants, as defined in Section 50-024.2(c)(2).
 - .611 CWDs shall not require potential Category 2 eligible claimants to submit a claim form.
 - .62 If the information in the case file is sufficient and the participant meets the definition of a Category 2 eligible claimant, the CWD shall complete the case review, calculate the corrective underpayment and issue the corrective underpayment check with NOA M50-024A (Approve Claim) before April 14, 1995.
 - .621 The corrective underpayment shall be equal to the amount paid by the Category 2 eligible claimant to the CWD under the promissory note for supportive services received during the retroactive period.

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
---------------	---	---------------

(Continued)

- .622 The CWD shall indicate on the NOA when the corrective underpayment check will be issued if the CWD is unable to issue the corrective underpayment check with the NOA.
- .623 In the absence of evidence to the contrary, CWDs shall accept self-certification from the eligible claimant, signed under the penalty of perjury, to satisfy documentary requirements in the event such documentation is not available.
- .624 CWDs shall include interest, as specified in Section 50-024.7, in the calculation of corrective underpayments for eligible claimants not on aid at the time payment is authorized.
- .63 CWDs shall cancel the balance due on all promissory notes issued because a GAIN participant received an educational loan or grant.
- .64 If the information in the case file is not sufficient to complete the review and calculate the corrective underpayment, the CWD shall issue NOA M50-024C (Request Case Information) before February 14, 1995 to request the needed information.
- .641 The CWD shall indicate on the NOA that participants shall have 30 days from the date of the NOA or until the end of the claim period, whichever is longer, to submit the needed information.
- .642 The CWD shall complete the case file review and issue any corrective underpayment with NOA M50-024A (Approve Claim) within 60 days following receipt of the needed information from the participant.
- .643 If the participant does not submit the needed information before the deadline specified on the NOA, the CWD shall discontinue its review of the case file and shall not make any corrective underpayments to the participant.
 - (a) The CWD shall note in the case file the reason why the review was discontinued.
- .7 Computation of Corrective Underpayments
 - .71 There is no minimum amount an eligible claimant may receive as a corrective underpayment.
 - .72 The claimant shall not be entitled to corrective underpayments for any portion of his/her supportive services payments that were previously repaid under another lawsuit.

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
---------------	---	---------------

(Continued)

- .73 CWDs shall balance a corrective underpayment against an outstanding overpayment as follows:
- .731 CWDs shall balance corrective underpayments for child care services with outstanding child care overpayments as specified in Section 42-751.4.
- .732 CWDs shall balance corrective underpayments for transportation or ancillary services with outstanding transportation or ancillary services overpayments as specified in Section 42-751.4.
- .733 CWDs shall attempt to obtain the written agreement of the eligible claimant to balance a corrective underpayment and outstanding overpayment in the following instances:
- (a) A transportation or ancillary services corrective underpayment with a child care overpayment.
 - (b) A child care corrective underpayment with a transportation or ancillary services overpayment.
 - (c) A child care, transportation, or ancillary services corrective underpayment with an AFDC cash aid overpayment.
- .74 CWDs shall pay interest to those eligible claimants who are not on aid at the time payment is authorized. To pay interest, CWDs shall:
- .741 Begin interest in the month subsequent to the last month of the supportive services payment reduction or denial or the last month when payment for a promissory note was received.
- .742 Determine the month in which payment is authorized.
- .743 To determine the appropriate interest amount and corrective underpayment:
- (a) determine the Initial Interest Month (the month following the last month of the supportive services reduction or denial or the last month when payment for a promissory note was received),
 - (b) determine the Payment Authorization Month (the month the corrective underpayment will be authorized),

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
---------------	---	---------------

(Continued)

- (c) determine the interest percentage factor on the "Interest Chart for Yslas v. Anderson Corrective Underpayments" (see handbook Section 50-024.745) where the Initial Interest Month and Payment Authorization Month dates meet,
- (d) multiply the amount of supportive services reduced or denied by the interest percentage factor, and
- (e) add the amount of supportive services reduced or denied to the interest to be paid to determine the corrective underpayment.

HANDBOOK BEGINS HERE

.744 EXAMPLE: A CWD determines that an eligible claimant who is no longer on aid had her child care reduced \$300.00 from January 1, 1988 through April 30, 1988 because she received an educational loan.

To Calculate the Corrective Underpayment:

- (a) Initial Interest Month - May 1988
- (b) Payment Authorization Month - January 1995

Amount of Supportive Services \$300.00
Reduced or Denied

- (c) Interest Percentage Factor X .4975
- (d) Interest To Be Paid + \$149.25

- (e) Corrective Underpayment \$449.25

.745 Interest Chart for Yslas v. Anderson Corrective Underpayments

Initial Interest Month	Payment Authorization Month					
	<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>
Oct-87	.5383	.5467	.5550	.5633	.5717	.5800
Nov-87	.5325	.5409	.5492	.5575	.5659	.5742
Dec-87	.5266	.5350	.5433	.5516	.5600	.5683

HANDBOOK CONTINUES

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
	(Continued)	

HANDBOOK CONTINUES

	<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>
Jan-88	.5208	.5292	.5375	.5458	.5542	.5625
Feb-88	.5150	.5234	.5317	.5400	.5484	.5567
Mar-88	.5091	.5175	.5258	.5341	.5425	.5508
Apr-88	.5033	.5117	.5200	.5283	.5367	.5450
May-88	.4975	.5059	.5142	.5225	.5309	.5392
Jun-88	.4916	.5000	.5083	.5166	.5250	.5333
Jul-88	.4858	.4942	.5025	.5108	.5192	.5275
Aug-88	.4800	.4884	.4967	.5050	.5134	.5217
Sep-88	.4741	.4825	.4908	.4991	.5075	.5158
Oct-88	.4683	.4767	.4850	.4933	.5017	.5100
Nov-88	.4625	.4709	.4792	.4875	.4959	.5042
Dec-88	.4566	.4650	.4733	.4816	.4900	.4983

HANDBOOK CONTINUES

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
	(Continued)	

HANDBOOK CONTINUES

	<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>
Jan-89	.4508	.4592	.4675	.4758	.4842	.4925
Feb-89	.4450	.4534	.4617	.4700	.4784	.4867
Mar-89	.4391	.4475	.4558	.4641	.4725	.4808
Apr-89	.4333	.4417	.4500	.4583	.4667	.4750
May-89	.4275	.4359	.4442	.4525	.4609	.4692
Jun-89	.4216	.4300	.4383	.4466	.4550	.4633
Jul-89	.4158	.4242	.4325	.4408	.4492	.4575
Aug-89	.4100	.4184	.4267	.4350	.4434	.4517
Sep-89	.4041	.4125	.4208	.4291	.4375	.4458
Oct-89	.3983	.4067	.4150	.4233	.4317	.4400
Nov-89	.3925	.4009	.4092	.4175	.4259	.4342
Dec-89	.3866	.3950	.4033	.4116	.4200	.4283

HANDBOOK CONTINUES

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
	(Continued)	

HANDBOOK CONTINUES

	<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>
Jan-90	.3808	.3892	.3975	.4058	.4142	.4225
Feb-90	.3750	.3834	.3917	.4000	.4084	.4167
Mar-90	.3691	.3775	.3858	.3941	.4025	.4108
Apr-90	.3633	.3717	.3800	.3883	.3967	.4050
May-90	.3575	.3659	.3742	.3825	.3909	.3992
Jun-90	.3516	.3600	.3683	.3766	.3850	.3933
Jul-90	.3458	.3542	.3625	.3708	.3792	.3875
Aug-90	.3400	.3484	.3567	.3650	.3734	.3817
Sep-90	.3341	.3425	.3508	.3591	.3675	.3758
Oct-90	.3283	.3367	.3450	.3533	.3617	.3700
Nov-90	.3225	.3309	.3392	.3475	.3559	.3642
Dec-90	.3166	.3250	.3333	.3416	.3500	.3583

HANDBOOK CONTINUES

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
	(Continued)	

HANDBOOK CONTINUES

	<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>
Jan-91	.3108	.3192	.3275	.3358	.3442	.3525
Feb-91	.3050	.3134	.3217	.3300	.3384	.3467
Mar-91	.2991	.3075	.3158	.3241	.3325	.3408
Apr-91	.2933	.3017	.3100	.3183	.3267	.3350
May-91	.2875	.2959	.3042	.3125	.3209	.3292
Jun-91	.2816	.2900	.2983	.3066	.3150	.3233
Jul-91	.2758	.2842	.2925	.3088	.3092	.3175
Aug-91	.2700	.2784	.2867	.2950	.3034	.3117
Sep-91	.2641	.2725	.2808	.2891	.2975	.3058
Oct-91	.2583	.2667	.2750	.2833	.2917	.3000
Nov-91	.2525	.2609	.2692	.2775	.2859	.2942
Dec-91	.2466	.2550	.2633	.2716	.2800	.2883

HANDBOOK CONTINUES

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
	(Continued)	

HANDBOOK CONTINUES

	<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>
Jan-92	.2408	.2492	.2575	.2658	.2742	.2825
Feb-92	.2350	.2434	.2517	.2600	.2684	.2767
Mar-92	.2291	.2375	.2458	.2541	.2625	.2708
Apr-92	.2233	.2317	.2400	.2483	.2567	.2650
May-92	.2175	.2259	.2342	.2425	.2509	.2592
Jun-92	.2116.	.2200	.2283	.2366	.2450	.2533
Jul-92	.2058	.2142	.2225	.2308	.2392	.2475
Aug-92	.2000	.2084	.2167	.2250	.2334	.2417
Sep-92	.1941	.2025	.2108	.2191	.2275	.2358
Oct-92	.1883	.1967	.2050	.2133	.2217	.2300
Nov-92	.1825	.1909	.1992	.2075	.2159	.2242
Dec-92	.1766	.1850	.1933	.2016	.2100	.2183

HANDBOOK CONTINUES

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT (Continued)	50-024
---------------	--	---------------

HANDBOOK CONTINUES

	<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>
Jan-93	.1708	.1792	.1875	.1958	.2042	.2125
Feb-93	.1650	.1734	.1817	.1900	.1984	.2067
Mar-93	.1591	.1675	.1758	.1841	.1925	.2008
Apr-93	.1533	.1617	.1700	.1783	.1867	.1950
May-93	.1475	.1559	.1642	.1725	.1809	.1892
Jun-93	.1416	.1500	.1583	.1666	.1750	.1833
Jul-93	.1358	.1442	.1525	.1608	.1692	.1775
Aug-93	.1300	.1384	.1467	.1550	.1634	.1717
Sep-93	.1241	.1325	.1408	.1491	.1575	.1658

HANDBOOK ENDS HERE

- .75 For the purpose of determining continuing eligibility and the amount of assistance for the AFDC Program, CWDs shall not consider a corrective underpayment as income nor as a resource in the month paid nor in the following month.
- .76 For the Food Stamp Program, a retroactive corrective underpayment shall be excluded as income for all Food Stamp households and excluded as a resource for categorically eligible Food Stamp households as long as they remain eligible for AFDC.
- .8 Statistical Reports
- .81 CWDs shall submit the GEN 1172 (5/93) Court Case: Yslas v. Anderson-Report A no later than June 15, 1995 to the CDSS Statistical Services Bureau.
- .82 CWDs shall report data on the disposition of all claims received during the claim period, from January 15, 1995 through April 14, 1995.

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
---------------	---	---------------

(Continued)

.83 The report specified in Section 50-024.82 above shall include:

.831 The total number of:

- (a) TEMP GAIN 85s (Claim Forms) mailed by CWD.
- (b) TEMP GAIN 85s (Claim Forms) handed out by CWD.
- (c) TEMP GAIN 85s (Claim Forms) received by CWD.
- (d) Claims approved.
- (e) Claims denied. CWDs shall include the number of claims denied for each of the following reasons:
 - (1) Untimely. Includes TEMP GAIN 85s (Claim Forms) received after the claim period.
 - (2) Not an eligible claimant.
 - (3) Claim sent to wrong CWD and receiving CWD was not able to determine the responsible CWD to which the TEMP GAIN 85 (Claim Form) should be forwarded.
 - (4) Claim sent to wrong CWD and receiving CWD forwarded to responsible CWD.
 - (5) Incomplete. Includes claims that are not complete, as specified in Section 50-024.51, and there is no forwarding address to obtain the additional information needed; and incomplete claims for which additional information was requested but not received before the deadline specified on the NOA.
 - (6) Other.

.832 Total dollar amount of corrective underpayments paid (including interest).

.833 Total dollar amount of overpayments offset with corrective underpayments.

50-024	<u>YSLAS V. ANDERSON</u> RETROACTIVE LAWSUIT	50-024
---------------	---	---------------

(Continued)

- .84 The CWDs shall report to the CDSS Statistical Services Bureau the number of GAIN participants who agree to use their student financial aid to pay for their supportive services, participants who do not agree to use their financial aid to pay for their supportive services, and participants who rescinded their previous agreement to use their financial aid to pay for their supportive services.
- .841 CWDs shall submit the above data on the GEN 1172 (5/93) Yslas v. Anderson-Report B, on a quarterly basis from July 1, 1994 through June 30, 1996.

NOTE: Authority: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Yslas v. Anderson, Sacramento County Superior Court, Case No. 365717, dated March 30, 1994; Yslas v. Anderson, Modification of Consent Decree, dated July 13, 1994; Yslas v. Anderson, Order Approving Modification of Consent Decree, dated September 26, 1994; and Yslas v. Anderson, Stipulation and Order, dated October 13, 1994; and Sections 11323.2 and 11323.4, Welfare and Institutions Code.

HANDBOOK BEGINS HERE

.1 Background

On February 6, 1990, the Coalition of California Welfare Rights Organizations (CCWRO) v. Anderson lawsuit was filed with the Sacramento County Superior Court, challenging the California Department of Social Services' (CDSS) notice procedures for noncompliant Greater Avenues for Independence (GAIN) participants. Prior to October 1, 1990, GAIN regulations required counties to send a GAIN Appointment Notice to a noncompliant participant for cause determination. If the participant failed to respond to the notice, the case would go through the conciliation process without further notice to the participant prior to the imposition of sanctions.

On September 12, 1991, the Superior Court granted CDSS summary judgment, finding that the applicable GAIN regulations provided participants with adequate notice and a reasonable opportunity to appear. On January 4, 1993, the Court of Appeal ruled in favor of an appeal by CCWRO and reversed the decision of the Superior Court. The case was remanded to Superior Court for further proceedings.

On March 8, 1994, the Superior Court entered Judgment on the case as directed by the Court of Appeal. The CCWRO Judgment ruled that the procedure of imposing a conciliation plan and subsequent sanction without further notice to a participant who failed to respond to a GAIN Appointment Notice was not promulgated as a rule in accordance with the Administrative Procedures Act, Government Code Sections 11346-11347.5.

In addition to the counties that did not send additional notices to participants prior to imposing a conciliation plan and subsequent sanction, the Court also included in the Judgment those counties that sent an additional notice prior to conciliation. The Court ruled that the additional notice procedure used by these counties was invalid because it was not promulgated as a regulation in accordance with the Administrative Procedures Act.

The Judgment specifies that all mandatory GAIN participants who were mailed a GAIN Appointment Notice during the retroactive period, who failed to respond to the appointment notice, or an additional notice from the county, and whose Aid to Families with Dependent Children (AFDC) benefits were reduced solely as a result of their failure to participate in the GAIN Program for the reasons specified in the Appointment Notice are class members eligible for corrective underpayment.

HANDBOOK ENDS HERE

50-025	<u>CCWRO V. ANDERSON</u> RETROACTIVE LAWSUIT	50-025
	(Continued)	

.2 Definitions

For the purpose of these regulations:

- a. Reserved
- b. Reserved
- c.
 - (1) "Claim period" means the period from January 15, 1995 through April 14, 1995 during which a potential class member may file a claim under CCWRO v. Anderson.
 - (2) "Class member" means all mandatory GAIN participants who were mailed a GAIN Appointment Notice from July 1, 1985 through September 30, 1990, who failed to respond to the Appointment Notice, or an additional notice from the county, and who were sanctioned solely as a result of their failure to participate in the GAIN Program for the reasons specified in the appointment notice.
 - (3) "Corrective underpayment" means the retroactive payment of cash aid inappropriately withheld from a class member.
 - (4) "CWD" means county welfare department.
- d. Reserved
- e. Reserved
- f.
 - (1) "Five standard languages" means Spanish, Vietnamese, Laotian, Chinese and Cambodian.
 - (2) "Four standard Asian languages" means Vietnamese, Laotian, Chinese and Cambodian.
- g.
 - (1) "GEN 1172 (5/93) Court Case: CCWRO v. Anderson" (Court Case Statistical Report) means the form used by CWDs to report statistical data regarding the claims filed and paid under this lawsuit.
- h. Reserved
- i. Reserved
- j. Reserved
- k. Reserved

50-025	<u>CCWRO V. ANDERSON</u> RETROACTIVE LAWSUIT	50-025
	(Continued)	

- l. Reserved
- m. Reserved
- n. (1) "NOA" means a notice of action that is considered to be adequate within the meaning of Manual of Policies and Procedures (MPP) Section 22-021.
- o. Reserved
- p. Reserved
- q. Reserved
- r. (1) "Responsible CWD" means the county welfare department GAIN office that took an action on which a class member's claim is based.
(2) "Retroactive period" means the period from July 1, 1985 through September 30, 1990.
- s. Reserved
- t. (1) "TEMP GAIN 86 (11/94), Informing Notice" means the document mailed by the CWD to inform potential claimants of possible corrective underpayments resulting from the CCWRO Court Order.
(2) "TEMP GAIN 87 (1/95), Claim Form" means the document used by claimants to file a claim based on the CCWRO Court Order.
(3) "TEMP GAIN 89 (11/94), Informing Poster" means the document that is posted to notify potential claimants of possible corrective underpayments resulting from the CCWRO Court Order.
- u. Reserved
- v. Reserved
- w. Reserved
- x. Reserved
- y. Reserved
- z. Reserved

50-025	<u>CCWRO V. ANDERSON</u> RETROACTIVE LAWSUIT	50-025
---------------	---	---------------

(Continued)

.3 Informing Class Members

HANDBOOK BEGINS HERE

.31 CDSS Responsibilities. CDSS shall:

- .311 Print the TEMP GAIN 89 (Informing Poster) in English with bullets in the five standard languages.
- .312 Provide CWDs with:
 - (a) A reproducible copy of the TEMP GAIN 86 (Informing Notice) in English with bullets in the five standard languages.
 - (b) Reproducible copies of the TEMP GAIN 87 (Claim Form) in English and the five standard languages.
 - (c) Copies of NOA messages in English and reproducible copies of NOA forms in English and the five standard languages.
 - (d) Reproducible copies of the TEMP GAIN 89 (Informing Poster) with bullets in the five standard languages.
- .313 Mail copies of the TEMP GAIN 89 (Informing Poster) to legal aid and welfare rights organizations of plaintiffs' choice at least 10 days before the beginning of the claim period.
 - (a) Plaintiffs' counsel shall provide CDSS with the mailing labels not to exceed 300.

HANDBOOK ENDS HERE

.32 Included CWDs

- .321 The following CWDs are identified as included CWDs. These CWDs shall fully implement the provisions of the Judgment:

50-025	CCWRO V. ANDERSON RETROACTIVE LAWSUIT	50-025
---------------	--	---------------

(Continued)

- (a) Alpine, Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Ventura, Yolo, and Yuba.
- .322 The following CWDs are not required to fully implement the notification and claim processing provisions of the Judgment.
 - (a) San Francisco, Santa Cruz, Sierra, and Tuolumne.
 - (b) If these excluded CWDs receive a TEMP GAIN 87 (Claim Form), they shall issue the M50-025D (Deny Claim) and forward the claim to the responsible CWD, if known.
- .33 CWD Responsibilities. Included CWDs shall:
 - .331 Reproduce an adequate supply of the TEMP GAIN 86(Informing Notice) in English with bullets in the five standard languages.
 - (a) On the TEMP GAIN 86 (Informing Notice), CWDs shall specify the county office address and phone number that potential claimants are to contact or call to obtain a TEMP GAIN 87 (Claim Form).
 - .332 Notify potential class members using one of the following methods:
 - (a) CWDs with the computer systems capability to identify GAIN participants who are potential class members shall conduct a computerized search and mail a TEMP GAIN 86 (Informing Notice) to each potential class member by January 5, 1995.
 - (1) CWDs shall maintain a record of all potential class members to whom notices were mailed.
 - (b) CWDs that do not have the capability to conduct a computerized search may choose to perform a manual case file search to identify GAIN participants who are potential class members and mail a TEMP GAIN 86 (Informing Notice) to each potential class member by January 5, 1995.

50-025	<u>CCWRO V. ANDERSON</u> RETROACTIVE LAWSUIT	50-025
---------------	---	---------------

(Continued)

- (1) CWDs shall maintain a record of all potential class members to whom notices were mailed.
 - (c) CWDs that do not have the capability to conduct a computerized search and who choose not to conduct a manual search shall send a TEMP GAIN 86 (Informing Notice) to all current AFDC recipients, via a CA 7 stuffer, by January 5, 1995.
- .333 Place TEMP GAIN 89 (Informing Poster) inconspicuous locations in all welfare offices, GAIN offices and Food Stamp issuance offices the first day of the claim period.
 - (a) The TEMP GAIN 89 (Informing Poster) shall be displayed from January 15, 1995 until close of business April 14, 1995.
 - (b) On the TEMP GAIN 89 (Informing Poster), CWDs shall specify the county office address and telephone number that potential claimants are to contact or call to obtain a TEMP GAIN 87 (Claim Form).
- .334 Reproduce an adequate supply of the TEMP GAIN 87 (Claim Form) in English and the five standard languages.
- .335 Mail a TEMP GAIN 87 (Claim Form) within five working days following a request by anyone who calls the phone number specified on the TEMP GAIN 86 (Informing Notice) and TEMP GAIN 89 (Informing Poster).
- .336 Give a TEMP GAIN 87 (Claim Form), immediately upon request during normal business hours, to anyone who goes to the office specified on the TEMP GAIN 86 (Informing Notice) and TEMP GAIN 89 (Informing Poster) and requests a claim form.
 - (a) CWDs shall maintain an adequate supply of the TEMP GAIN 87 (Claim Form) on hand for distribution to potential claimants.
- .337 CWDs shall specify on the TEMP GAIN 87 (Claim Form) the address where claimants are to return the completed claim form.
- .4 Application for Corrective Underpayment
 - .41 Claimants' Responsibilities. Claimants shall:
 - .411 Complete and sign under the penalty of perjury a TEMP GAIN 87 (Claim Form).

50-025	CCWRO V. <u>ANDERSON</u> RETROACTIVE LAWSUIT	50-025
---------------	---	---------------

(Continued)

- .412 Submit the TEMP GAIN 87 (Claim Form) on or before the end of the claim period to the responsible CWD.
- (a) If mailed, the postmark must be no later than April 14, 1995.
- (b) During the claim period, claimants shall be permitted to resubmit a claim that was previously denied due to being incomplete when the claimant did not submit the necessary information within 30 days, as specified in Section 50-025.541.
- .413 Submit a completed TEMP GAIN 87 (Claim Form) to each responsible CWD, if there was more than one responsible CWD.
- .414 Provide necessary additional information, documentation or clarification upon request from a CWD.
- .42 CWDs' Responsibilities. CWDs shall:
- .421 Stamp the TEMP GAIN 87 (Claim Form) with the date received by the CWD.
- (a) If the date of receipt cannot be determined by a date stamp, the date of receipt shall be the date the claimant signed the TEMP GAIN 87 (Claim Form).
- .422 Notwithstanding the date specified in Section 50-025.421, process all claim forms postmarked on or before April 14, 1995.
- (a) If the TEMP GAIN 87 (Claim Form) is postmarked after April 14, 1995, issue NOAM50-025D (Deny Claim) within 30 days following receipt of the claim.
- (b) The CWD shall retain envelopes postmarked after April 14, 1995.
- .423 Retain all records which contain documents relevant to the CCWRO lawsuit for three years from the date CDSS submits the last expenditure report for federal reimbursement.
- (a) Documents included are those used to determine eligibility for the class (including denials) and those used to determine the amount of corrective underpayments; including case records, payment records, assistance claims, reimbursement claims, claim verification and any other documents related to this lawsuit.

50-025	<u>CCWRO V. ANDERSON</u> RETROACTIVE LAWSUIT	50-025
---------------	---	---------------

(Continued)

.424 Determine the Responsible CWD

- (a) If the CWD receiving the TEMP GAIN 87 (Claim Form) determines that it is the responsible CWD, the CWD shall process the claim form in accordance with Section 50-025.5.
 - (1) "Responsible CWD" is defined in Section 50-025.2r. (1).
- (b) If the CWD receiving the TEMP GAIN 87 (Claim Form) determines that it is not the responsible CWD, the receiving CWD shall issue NOA M50-025D (Deny Claim) and forward the TEMP GAIN 87 (Claim Form) to the responsible CWD within 30 days from the date the claim was received.
 - (1) The receiving CWD shall inform the claimant on NOA M50-025D (Deny Claim) that the TEMP GAIN 87 (Claim Form) has been forwarded to the responsible CWD for processing.
 - (2) The responsible CWD shall process the claim form in accordance with Section 50-025.5.
 - (A) Notwithstanding Section 50-025.422, responsible CWDs shall process all claims that are forwarded from a receiving CWD, regardless of whether the responsible CWD receives the claim from the receiving CWD by the end of the claim period.
 - (3) If the responsible CWD cannot be determined, the receiving CWD shall issue NOA M50-025D (Deny Claim) within 30 days following receipt of the claim.
 - (A) The CWD shall indicate on the NOA that the claimant must file his/her claim with the responsible CWD.

.5 Processing Claim Forms

- .51 The responsible CWD shall review each TEMP GAIN 87 (Claim Form) for completeness. The TEMP GAIN 87 (Claim Form) shall be considered complete when the following information is given:
 - .511 Answers to the qualifying class member questions on the TEMP GAIN 87 (Claim Form).

50-025	<u>CCWRO V. ANDERSON</u> RETROACTIVE LAWSUIT	50-025
	(Continued)	

- .512 Claimant's case name(s) used during retroactive period.
- .513 Claimant's date of birth.
- .514 Claimant's social security number.
- .515 Claimant's current mailing address.
- .516 County or counties of residence during retroactive period.
- .517 Claimant's signature.
- .518 The following information shall be provided by the claimant on the TEMP GAIN 87 (Claim Form) to the extent possible:
 - (a) The AFDC or GAIN case number.
 - (b) Phone number.
 - (c) Date(s) for which the claim is being filed.
- .52 If the claim is complete, as specified in Section 50-025.51, and the claimant meets the definition of class member specified in Section 50-025.2(c)(2), the responsible CWD shall complete processing the claim within 90 days after receipt of the claim.
 - .521 If the information on the claim form and in the case file is sufficient, the CWD shall calculate the corrective underpayment, in accordance with Section 50-025.6, and issue a check with NOAM50-025A (Approve Claim) within 45 days after the date payment is authorized.
 - (a) CWDs shall indicate on the NOA when the check will be issued if unable to issue the check for the corrective underpayment with the NOA.
 - .522 In the absence of evidence to the contrary, the CWD shall accept self-certification from the claimant, signed under the penalty of perjury, to satisfy documentary requirements in the event such documentation is not available.
 - .523 The CWD shall verify documentation whenever authenticity is in doubt.

50-025	<u>CCWRO V. ANDERSON</u> RETROACTIVE LAWSUIT	50-025
---------------	---	---------------

(Continued)

- .53 If the claimant is NOT a class member, the CWD shall issue NOA M50-025D (Deny Claim) within 90 days after the claim was received.
- .531 The CWD shall preprint the GAIN 50 (6/92) Your GAIN Hearing Rights to the back of the NOA or attach a copy of the GAIN 50 to the NOA.
- .54 If additional information is needed, the CWD shall issue NOA M50-025B (Request Claim Information) within 30 days after receipt of the claim.
- .541 The CWD shall indicate on the NOA that claimants have 30 days from the date of the NOA to respond to the request for additional information.
- .542 The CWD shall complete processing a claim within 90 days after receiving the additional information.
- .543 If the claimant meets the definition of a class member specified in Section 50-025.2c.(2), the CWD shall issue the corrective underpayment in accordance with the procedures specified in Section 50-025.521.
- .544 The CWD shall issue NOA M50-025D (Deny Claim) if the information does not establish the claimant as a class member.
- .545 The CWD shall issue NOA M50-025D (Deny Claim) if the claimant does not respond within the time specified in Section 50-025.541.
- .55 For the purpose of determining continued eligibility and the amount of assistance for the AFDC Program, CWDs shall not consider a corrective underpayment as income or as a resource in the month paid or in the following month.
- .56 For the Food Stamp Program, a retroactive corrective underpayment shall be excluded as income for all Food Stamp households and excluded as a resource for categorically eligible Food Stamp households as long as they remain eligible for AFDC.
- .6 Computation of Corrective Underpayments
- .61 There is no minimum amount a class member may receive as a corrective underpayment.
- .62 The claimant shall not be entitled to corrective underpayment for any portion of the sanction amount which was previously repaid under another lawsuit.

50-025	CCWRO V. ANDERSON RETROACTIVE LAWSUIT	50-025
---------------	--	---------------

(Continued)

- .63 CWDs shall determine the length of the sanction period for which a class member, as defined in Section 50-025.2(c)(2), shall be entitled to recover withheld cash aid.
- .631 For sanctions applied before July 1, 1989, CWDs shall consider the end of the sanction period for which a class member shall be entitled to recover cash aid to be:
- (a) For a first financial sanction, the end of the three-month sanction period.
 - (b) For a second or subsequent financial sanction, the end of the six-month sanction period.
- .632 For sanctions applied on or after July 1, 1989, CWDs shall consider the end of the sanction period for which a class member shall be entitled to recover cash aid to be:
- (a) For a sanction resulting from a first instance of noncompliance without good cause, the date the sanction was cured, as specified in Section 42-786.22, or the end of the month following application of the sanction, whichever comes first.
 - (b) For a sanction resulting from a second instance of noncompliance without good cause, the end of the three-month sanction period specified in Section 42-786.23.
 - (c) For a sanction resulting from a third or subsequent instance of noncompliance without good cause, the end of the six-month sanction period specified in Section 42-786.24.
- .64 CWDs shall balance the corrective underpayment against an outstanding overpayment as follows:
- .641 The corrective underpayment shall be balanced with an AFDC overpayment as specified in Section 44-340.42.
- .642 The CWDs shall attempt to obtain a written agreement of the class member to balance a GAIN supportive services overpayment with the corrective underpayment.
- (a) If the class member does not agree to balance the corrective underpayment with his/her GAIN supportive services overpayment, the CWD shall issue the corrective underpayment to the class member in full.

50-025	<u>CCWRO V. ANDERSON</u> RETROACTIVE LAWSUIT	50-025
---------------	---	---------------

(Continued)

- .65 CWDs shall pay interest to those class members who are no longer on AFDC at the time of payment. To pay interest, CWDs shall:
- .651 Begin interest in the month subsequent to the end of the sanction period, as determined in Section 50-025.63.
- .652 Determine the month in which the payment is authorized.
- .653 To determine the appropriate interest amount and corrective underpayment:
- (a) Determine the Initial Interest Month (the month following the end of the sanction period);
 - (b) Determine the Payment Authorization Month (the month the corrective underpayment will be authorized);
 - (c) Determine the interest percentage factor on the "Interest Chart for CCWRO Corrective Underpayment" where the dates from (a) and (b) meet;
 - (d) Multiply the amount of cash aid withheld during the sanction period by the interest percentage factor; and
 - (e) Add the cash aid withheld to the interest to be paid to determine the corrective underpayment.
- (a) Determine the Initial Interest Month (the month following the end of the sanction period);
- (b) Determine the Payment Authorization Month (the month the corrective underpayment will be authorized);
- (c) Determine the interest percentage factor on the "Interest Chart for CCWRO Corrective Underpayment" where the dates from (a) and (b) meet;
- (d) Multiply the amount of cash aid withheld during the sanction period by the interest percentage factor; and
- (e) Add the cash aid withheld to the interest to be paid to determine the corrective underpayment.

50-025	CCWRO V. ANDERSON RETROACTIVE LAWSUIT (Continued)	50-025
---------------	---	---------------

HANDBOOK BEGINS HERE

.654 EXAMPLE: A CWD determines that a class member who is no longer on aid was sanctioned from September 1, 1987 to November 30, 1987 at \$200.00 per month. Total cash aid withheld was \$600.00.

To Calculate the Corrective Underpayment:

- (a) Initial Interest Month - December 1987
- (b) Payment Month - January 1995

Total Cash Aid Withheld	\$600.00
(c) Interest Percentage Factor	X .5266
(d) Interest To Be Paid	<u>+ \$315.96</u>

(e) Corrective Underpayment \$915.96

.655 Interest Chart for CCWRO Corrective Underpayments

Initial Interest Month	<u>Payment Authorization Month</u>					
	<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>
Jul-85	.6958	.7042	.7125	.7208	.7292	.7375
Aug-85	.6900	.6984	.7067	.7150	.7234	.7317
Sep-85	.6841	.6925	.7008	.7091	.7175	.7258
Oct-85	.6783	.6867	.6950	.7033	.7117	.7200
Nov-85	.6725	.6809	.6892	.6975	.7059	.7142
Dec-85	.6666	.6750	.6833	.6916	.7000	.7083

HANDBOOK CONTINUES

50-025	CCWRO V. ANDERSON RETROACTIVE LAWSUIT	50-025
---------------	--	---------------

(Continued)

HANDBOOK CONTINUES

	<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>
Jan-86	.6608	.6692	.6775	.6858	.6942	.7025
Feb-86	.6550	.6634	.6717	.6800	.6884	.6967
Mar-86	.6491	.6575	.6658	.6741	.6825	.6908
Apr-86	.6433	.6517	.6600	.6683	.6767	.6850
May-86	.6375	.6459	.6542	.6625	.6709	.6792
Jun-86	.6316	.6400	.6483	.6566	.6650	.6733
Jul-86	.6258	.6342	.6425	.6508	.6592	.6675
Aug-86	.6200	.6284	.6367	.6450	.6534	.6617
Sep-86	.6141	.6225	.6308	.6391	.6475	.6558
Oct-86	.6083	.6167	.6250	.6333	.6417	.6500
Nov-86	.6025	.6109	.6192	.6275	.6359	.6442
Dec-86	.5966	.6050	.6133	.6216	.6300	.6383

HANDBOOK CONTINUES

50-025	CCWRO V. ANDERSON RETROACTIVE LAWSUIT (Continued)	50-025
---------------	---	---------------

HANDBOOK CONTINUES

	<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>
Jan-87	.5908	.5992	.6075	.6158	.6242	.6325
Feb-87	.5850	.5934	.6017	.6100	.6184	.6267
Mar-87	.5791	.5875	.5958	.6041	.6125	.6208
Apr-87	.5733	.5817	.5900	.5983	.6067	.6150
May-87	.5675	.5759	.5842	.5925	.6009	.6092
Jun-87	.5616	.5700	.5783	.5866	.5950	.6033
Jul-87	.5558	.5642	.5725	.5808	.5892	.5975
Aug-87	.5500	.5584	.5667	.5750	.5834	.5917
Sep-87	.5441	.5525	.5608	.5691	.5775	.5858
Oct-87	.5383	.5467	.5550	.5633	.5717	.5800
Nov-87	.5325	.5409	.5492	.5575	.5659	.5742
Dec-87	.5266	.5350	.5433	.5516	.5600	.5683

HANDBOOK CONTINUES

50-025	CCWRO V. ANDERSON RETROACTIVE LAWSUIT	50-025
	(Continued)	

HANDBOOK CONTINUES

	<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>
Jan-88	.5208	.5292	.5375	.5458	.5542	.5625
Feb-88	.5150	.5234	.5317	.5400	.5484	.5567
Mar-88	.5091	.5175	.5258	.5341	.5425	.5508
Apr-88	.5033	.5117	.5200	.5283	.5367	.5450
May-88	.4975	.5059	.5142	.5225	.5309	.5392
Jun-88	.4916	.5000	.5083	.5166	.5250	.5333
Jul-88	.4858	.4942	.5025	.5108	.5192	.5275
Aug-88	.4800	.4884	.4967	.5050	.5134	.5217
Sep-88	.4741	.4825	.4908	.4991	.5075	.5158
Oct-88	.4683	.4767	.4850	.4933	.5017	.5100
Nov-88	.4625	.4709	.4792	.4875	.4959	.5042
Dec-88	.4566	.4650	.4733	.4816	.4900	.4983

HANDBOOK CONTINUES

50-025	<u>CCWRO V. ANDERSON</u> RETROACTIVE LAWSUIT	50-025
	(Continued)	

HANDBOOK CONTINUES

	<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>
Jan-89	.4508	.4592	.4675	.4758	.4842	.4925
Feb-89	.4450	.4534	.4617	.4700	.4784	.4867
Mar-89	.4391	.4475	.4558	.4641	.4725	.4808
Apr-89	.4333	.4417	.4500	.4583	.4667	.4750
May-89	.4275	.4359	.4442	.4525	.4609	.4692
Jun-89	.4216	.4300	.4383	.4466	.4550	.4633
Jul-89	.4158	.4242	.4325	.4408	.4492	.4575
Aug-89	.4100	.4184	.4267	.4350	.4434	.4517
Sep-89	.4041	.4125	.4208	.4291	.4375	.4458
Oct-89	.3983	.4067	.4150	.4233	.4317	.4400
Nov-89	.3925	.4009	.4092	.4175	.4259	.4342
Dec-89	.3866	.3950	.4033	.4116	.4200	.4283

HANDBOOK CONTINUES

50-025	CCWRO V. ANDERSON RETROACTIVE LAWSUIT	50-025
	(Continued)	

HANDBOOK CONTINUES

	<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>
Jan-90	.3808	.3892	.3975	.4058	.4142	.4225
Feb-90	.3750	.3834	.3917	.4000	.4084	.4167
Mar-90	.3691	.3775	.3858	.3941	.4025	.4108
Apr-90	.3633	.3717	.3800	.3883	.3967	.4050
May-90	.3575	.3659	.3742	.3825	.3909	.3992
Jun-90	.3516	.3600	.3683	.3766	.3850	.3933
Jul-90	.3458	.3542	.3625	.3708	.3792	.3875
Aug-90	.3400	.3484	.3567	.3650	.3734	.3817
Sep-90	.3341	.3425	.3508	.3591	.3675	.3758

HANDBOOK CONTINUES

50-025	<u>CCWRO V. ANDERSON</u> RETROACTIVE LAWSUIT	50-025
	(Continued)	

HANDBOOK CONTINUES

	<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>
Oct-90	.3283	.3367	.3450	.3533	.3617	.3700
Nov-90	.3225	.3309	.3392	.3475	.3559	.3642
Dec-90	.3166	.3250	.3333	.3416	.3500	.3583
Jan-91	.3108	.3192	.3275	.3358	.3442	.3525
Feb-91	.3050	.3134	.3217	.3300	.3384	.3467
Mar-91	.2991	.3075	.3158	.3241	.3325	.3408
Apr-91	.2933	.3017	.3100	.3183	.3267	.3350
May-91	.2875	.2959	.3042	.3125	.3209	.3292
Jun-91	.2816	.2900	.2983	.3066	.3150	.3233

HANDBOOK ENDS HERE

.66 Class members shall not be entitled to more corrective underpayment than the amount of cash aid withheld during the sanction period, as specified in this section, plus interest, as determined in Section 50-025.65.

.7 Statistical Reports

.71 CWDs shall submit the GEN 1172 (5/93) Court Case: CCWRO v. Anderson no later than July 14, 1995 to the CDSS Statistical Services Bureau.

.72 CWDs shall report on the disposition of all claims received during the claim period, from January 14, 1995 through April 14, 1995.

.73 The report shall include:

.731 The total number of:

- (a) TEMP GAIN 87s (Claim Form) mailed by CWD.
- (b) TEMP GAIN 87s (Claim Form) handed out by CWD.

50-025	<u>CCWRO V. ANDERSON</u> RETROACTIVE LAWSUIT	50-025
---------------	---	---------------

(Continued)

- (c) TEMP GAIN 87s (Claim Form) received by CWD.
- (d) Claims approved.
- (e) Claims denied. CWDs shall include the number of claims denied for each of the following reasons:
 - (1) Untimely. Includes claim forms received after claim period.
 - (2) Not a class member.
 - (3) Claim sent to wrong CWD and receiving CWD was not able to determine the responsible CWD to which the TEMP GAIN 87 (Claim Form) should be forwarded.
 - (4) Claim sent to wrong CWD and receiving CWD forwarded to responsible CWD.
 - (5) Incomplete. Includes claims that are not complete, as specified in Section 50-025.51, and there is no forwarding address to obtain the additional information needed; and incomplete claims for which additional information was requested but not received before the deadline specified on the notice.
 - (6) Other.

.732 Total amount of corrective underpayments paid (including interest).

.733 Total amount of overpayments offset with corrective underpayments.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: CCWRO v. Anderson, Sacramento County Superior Court, Case No. 512491.

50-050	FARIAS v. WOODS	50-050
---------------	------------------------	---------------

Repealed by Manual Letter No. EAS-88-13, effective 10/3/88.

50-060 MAJOR v. McMAHON**50-060****.1 Background**

HANDBOOK BEGINS HERE

On January 28, 1985, the San Francisco Superior Court approved a settlement agreement and adopted it as the final judgment of the court in the case of Major v. McMahon. The judgment invalidated MPP Section 46-325 to the extent this regulation was interpreted/applied to deny otherwise eligible disabled minors from receiving the SSI-SSP "nonmedical out-of-home care" benefit level because they were residing with nonparent relatives.

In compliance with the Major v. McMahon judgment, MPP Section 46-325 was amended (April 1, 1985) to enable otherwise eligible disabled minors residing with a nonparent relative to receive the SSI-SSP "nonmedical out-of-home care" payment rate. Additionally, the court ordered that retroactive benefits be paid to disabled minors in this class, who for any time after December 31, 1983 were otherwise eligible but were denied the SSI-SSP "nonmedical out-of-home care" payment rate solely because they were residing with a nonparent relative.

The following provisions specify rules and procedures applicable to the issuance of payments in conformance with this court order.

HANDBOOK ENDS HERE

.2 Informing Potentially Eligible Persons of the Availability of Major v. McMahon Payments

HANDBOOK BEGINS HERE

.21 In order to notify the class of potentially eligible persons, the Department shall:

.211 Identify from the State Data Exchange, all individuals who meet the description of the Major v. McMahon class and who are potentially eligible for Major v. McMahon benefits.

.212 By April 1, 1985, send a written notice to all potentially eligible individuals, which specifies eligibility factors and application procedures and deadlines for Major v. McMahon benefits.

HANDBOOK ENDS HERE

.3 Application for Major v. McMahon Payments and Claims Processing

.31 Claimant Responsibility

50-060 MAJOR v. McMAHON (Continued)

50-060

.311 Potentially eligible individuals shall apply for retroactive payments at the local Social Security Administration (SSA) office, within the 60-day period commencing April 1, 1985 and ending May 30, 1985.

(a) Extension of the mandatory 60-day application period.

(1) Applications for Major v. McMahon retroactive benefits received after May 30, 1985 shall be denied except where the applicant can show good cause for his/her failure to apply during the mandatory 60-day application period. "Good cause" shall be determined by the SSA.

(2) Provided the applicant can show good cause for not applying within the period specified in .311, his/her application for retroactive benefits will be accepted if filed with the SSA within 60 days after May 30, 1985 or before July 30, 1985.

.32 Social Security Administration (SSA)

HANDBOOK BEGINS HERE

.321 Upon receipt of the claimant's application for Major v. McMahon benefits, the local SSA office will request from the county welfare department (CWD) certification that the disabled minor involved was eligible for the "nonmedical out-of-home care" payment rate within this Major v. McMahon retroactive period.

(a) In response to each Major v. McMahon application, SSA will send requests for certification (Form SSP-22) to the county welfare departments, which for control purposes, have been separately identified by the words MAJOR v. McMAHON in bold print at the top.

.322 As soon as administratively possible after receipt of the CWD's certification of applicable living arrangement [see .331(b)] the SSA will compute and issue the amount of Major v. McMahon retroactive payments to all claimants who were certified for the SSI-SSP "nonmedical out-of-home care" living arrangement during this period.

(a) The amount of retroactive benefits shall be, for each month of eligibility during the retroactive period, the difference between the SSI-SSP "nonmedical out-of-home care" rate and the "disabled minor" rate in effect for that month.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- (1) For calendar year 1984, the difference is \$161 per month.
- (2) For calendar year 1985, the difference is \$170 per month.

.323 The SSA will make prospective payments to Major v. McMahan eligibles upon receipt of CWD certifications of applicable living arrangements.

HANDBOOK ENDS HERE

.33 CWD Responsibility

.331 Within 13 working days of receipt of a request for certification (SSP-22) marked "Major v. McMahan" from the SSA, the CWD shall:

- (a) Determine the applicant's eligibility for the "nonmedical out-of-home care" level of benefits during any month(s) from January 1, 1984.
 - (1) The provisions of MPP Section 46-325.351 shall apply to requests for Major v. McMahan certifications in the same manner as for certification requests received on behalf of other SSI-SSP applicants/recipients.
 - (2) If a disabled minor child is found to be currently eligible for the "nonmedical out-of-home care" rate, he/she shall be presumed to be eligible for as much of the retroactive period as he/she was residing with the same relative.
 - (3) If the minor child is currently ineligible for the "nonmedical out-of-home care" rate, he/she shall be presumed to be ineligible for as much of the retroactive period as he/she was residing with the same relative.
 - (4) Presumptions in (2) and (3) above may be rebutted by the CWD or by the recipient. If the minor child was living with another nonparent relative during the retroactive period, he/she shall have the opportunity to present evidence regarding eligibility for the "nonmedical out-of-home care" rate in that home.

50-060	MAJOR v. McMAHON (Continued)	50-060
---------------	-------------------------------------	---------------

- (b) Return the completed request for certification (SSP-22) to the SSA.
 - (1) CWDs shall maintain a copy of all completed Major v. McMahon certification requests (SSP-22) in an easily identifiable and retrievable manner for a period of six months, beginning April 1, 1985.
- .332 Within 30 calendar days of the receipt of a request for certification (SSP-22) marked Major v. McMahon from the SSA, the CWD shall send a written notice of action (Temp. 1624) to the Major v. McMahon applicant which:
 - (a) states the CWD's determination of the applicant's eligibility for the "nonmedical out-of-home care" level of SSI-SSP benefits; and,
 - (b) specifies the months the applicant was eligible for "nonmedical out-of-home care" benefits since January 1, 1984; and,
 - (c) informs the applicant of his/her right to request a state hearing regarding the CWD's certification or noncertification of the applicant's "nonmedical out-of-home care" living arrangement during any month since January 1, 1984. The state hearing of this issue shall be governed by MPP Division 22 regulations.